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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,593	07/25/2003	Hisashi Nakagomi	240688US90	9768
22850	7590	11/25/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			FERGUSON, KEITH	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/626,593

Applicant(s)

NAKAGOMI, HISASHI

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck et al. in view of Jones et al., newly recited reference.

Regarding claim 1, Rydbeck et al. discloses a mobile telephone (communication terminal) (fig. 1 number 100) capable of utilizing plurality of radio communication services respectively provided by a plurality of radio communication systems establishing shared radio communication system (col. 1 line 61 through col. 2 line 6 and col. 2 lines 35-66), comprising: hardware processing (controller) (160) for performing common hardware processing necessary for utilizing the radio communication services (col. 2 lines 35-66 and col. 3 line 12 through col. 4 line 63); an communication module (IC card) that stores a plurality of communication software packages necessary for the respective radio communication services (col. 2 lines

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35-66 and col. 3 line 5 through col. 4 line 63); software selection unit that selects one communication software package out of the communication software packages stored in the IC card (col. 3 lines 5-48), which one corresponds a communication and software executing unit that executes the selected communication software package (col. 3 lines 5-48). Rydbeck et al. differs from claim 1 of the present invention in that it does not disclose one of said communication software packages enables said communications terminal to identify a radio signal having the maximum reception strength and to specify a communication service provided by the communication system corresponding to the maximum reception radio signal. Jones et al. teaches a mobile station (fig. 3) comprising a programmable software arbitration module (communication software package) (fig. 3 number 304 and col. 11 line 54 through col. 12 line 16) to identify a radio signal greater than a received signal strength threshold for switching between a public system (CDMA) which provides public CDMA service and a private system (802.11 signal) which provides (802.11) service col. 12 lines (col. 11 line 54 through col. 12 line 16, col. 23 lines 8-35 and col. 24 line 66 through col. 25 line 53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rydbeck et al. communication module with one of said communication software packages enables said communications terminal to identify a radio signal having the maximum reception strength and to specify a communication service provided by the communication system corresponding to the maximum reception radio signal in order for the mobile telephone to identify the network with the strongest signal which provides network services needed when selecting a network for handing off, as taught by Jones et al..

Regarding claim 2, Rydbeck et al. discloses the communication module comprises protocol information related to each network (software program relating signal Transmission/reception, a software program relating signal modulation/demodulation and software program relating to

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application) (col. 1 line 60 through col. 2 line 6, col. 2 lines 44-55 and col. 3 line 5 through col. 4 line 31).

Regarding claim 3, Rydbeck et al. discloses a software acquisition that acquires another communication software package stored server (personal computer) provided in the shared communication system (col. 3 line 35 through col. 4 line 32).

Regarding claim 4, Rydbeck et al. discloses a controller and sensor (software reading unit) that reads the selected one of the communication software packages stored in the module which selected one corresponds to communication to the communication service to be utilized (col. 4 lines 33-63).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela in view of Jones et al., newly recited reference.

Regarding claim 5, Korpela discloses a base station (software transmitting server) (fig. 3), comprising: a store (26) (software storing) unit that stores plurality of protocol descriptions (communication software packages) respectively necessary for utilizing a plurality of communication services respectively provided by plurality radio communication systems (col. 4 line 14 through col. 5 line 8); and a software transmitting unit downloads (transmits) the stored communication software packages to a communication terminal (col. 6 line 8 through col. 7 line 3). Korpela differs from claim 5 of the present invention in that it does not disclose one of said

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communication software packages enables said communications terminal to identify a radio signal having the maximum reception strength and to specify a communication service provided by the communication system corresponding to the maximum reception radio signal. Jones et al. teaches access system (fig. 1 number 112) which downloads a software arbitration module (communication software package) into a mobile station (fig. 3 number 304 and col. 11 line 54 through col. 12 line 16) which identifies a radio signal greater than a received signal strength threshold for the mobile station to switch between a public system (CDMA) which provides public (CDMA) service and a private system (802.11 signal) which provides private (802.11) service (col. 11 line 54 through col. 12 line 16, col. 23 lines 8-35 and col. 24 line 66 through col. 25 line 53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Korpela stored software with one of said communication software packages which enables said communications terminal to identify a radio signal having the maximum reception strength and to specify a communication service provided by the communication system corresponding to the maximum reception radio signal in order for the base station download a software package for the mobile telephone to identify the network with the strongest signal which provides network services needed when selecting a network for handing off, as taught by Jones et al..

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela in view of Rydbeck et al. and Jones et al, newly recited reference.

Regarding claim 6, Korpela discloses an card writing (fig. 3) apparatus, comprising: a store (software storing unit) (fig. 3 number 26 and col. 4 lines 14-67) that stores a plurality of communication software packages respectively necessary for utilizing a plurality of communication services respectively provided by a plurality of radio communication systems (col. 4 lines 57-67); and a software transmitting unit that transmits the stored communication software packages to a memory (IC card within a mobile (communication) terminal (col. 6 lines 7-46). Korpela differs from claim 6 of the present invention in that it does not explicit disclose an IC card to be attached to a communication terminal and with one of said communication

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software packages which enables said communications terminal to identify a radio signal having the maximum reception strength and to specify a communication service provided by the communication system corresponding to the maximum reception radio signal. Rydbeck et al. teaches a mobile telephone having an attachable/detachable communication module (120) that stores protocol information for multiple wireless networks (col. 3 line 5 line 4 through col. 4 line 33). Jones et al. teaches a mobile station (fig. 3) comprising a programmable software arbitration module (communication software package) (fig. 3 number 304 and col. 11 line 54 through col. 12 line 16) to identify a radio signal greater than a received signal strength threshold for switching between a public system (CDMA) which provides public CDMA service and a private system (802.11 signal) which provides (802.11) service col. 12 lines (col. 11 line 54 through col. 12 line 16, col. 23 lines 8-35 and col. 24 line 66 through col. 25 line 53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Korpela with an IC card to be attached to a communication terminal and with one of said communication software packages which enables said communications terminal to identify a radio signal having the maximum reception strength and to specify a communication service provided by the communication system corresponding to the maximum reception radio signal in order for the base station to download a network protocol to the mobile terminal memory that can be detached and attached and be used when needed based upon the received signal strength and network services provided, as taught by Rydbeck et al. and Jones et al..

### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson  
Art Unit 2683  
November 21, 2005

**KEITH FERGUSON**  
**PRIMARY EXAMINER**

